

ENTERED

March 17, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION****JAMES LEE VERDINE,****Petitioner,****v.****BOBBY LUMPKIN, DIRECTOR,
TEXAS DEPARTMENT OF
CRIMINAL JUSTICE,
INSTITUTIONS DIVISION,****Respondent.**§
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§**Civil Case No. 4:22-CV-600****ORDER ACCEPTING REPORT AND RECOMMENDATION**

Pending before the Court is the February 15, 2023 Report and Recommendation (“R&R”) prepared by Magistrate Judge Peter Bray. (Dkt. No. 28). Magistrate Judge Bray made findings and conclusions and recommended that Respondent’s Motion for Summary Judgment (Dkt. No. 19) be granted and that Verdine’s Petition for Writ of Habeas Corpus (Dkt. No. 2) be dismissed with prejudice.

The Parties were provided proper notice and the opportunity to object to the M & R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On March 14, 2023, Verdine filed objections. (Dkt. No. 29).

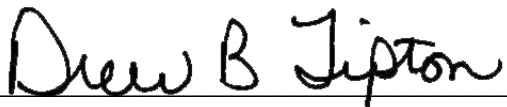
In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in

part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court **ACCEPTS** the R&R as the opinion of the Court. The Court **GRANTS** Respondent's Motion for Summary Judgment (Dkt. No. 19) and **DISMISSES WITH PREJUDICE** Verdine's petition for writ of habeas corpus. (Dkt. No. 2). The Court **DENIES** a certificate of appealability. The Clerk is directed to close the case.

It is SO ORDERED.

Signed on March 16, 2023.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE